

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DOROTHY NEAL, JANE PITTS,
and DOROTHY WITHERSPOON,
on behalf of themselves and a
similarly situated class,

Plaintiffs,

Case No. 05-CV-2521-B
Hon. Jane J. Boyle
Magistrate Judge Ramirez

Class Action

v.

RAYTHEON COMPANY,

Defendant.

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PLAINTIFFS' UNOPPOSED MOTION
FOR APPROVAL OF FINAL PAYMENTS LIST

Plaintiffs file this Unopposed Motion for Approval of Final Payments List pursuant to the Court-approved Settlement Agreement between the Plaintiff Class Representatives and Defendant Raytheon Company.

1. On September 21, 2009, this Court entered an Order of Final Approval of Settlement Agreement approving the Settlement Agreement reached by the parties. The Settlement Agreement provided, in relevant part, that Raytheon would pay \$750,000 which would be divided into equal shares among Eligible Class Members and Eligible Dependents, as defined in the Settlement Agreement, who submitted timely Verifications to Class Counsel.

2. On October 29, 2009, Class Counsel mailed a Court-approved Verification Form to Class Members and known Dependents informing them they had until December 1, 2009 to return the Verification.

3. Class Counsel received the Settlement Amount from Raytheon on December 1, 2009.

4. After the deadline passed for submitting the Verifications, and pursuant to the Settlement Agreement, Class Counsel reviewed the Verifications which had been submitted and determined what payments were due under the Settlement Agreement based on the Verifications received.

5. Attached is a Final Payments List of the Eligible Class Members and Eligible Dependents who submitted completed and signed Verifications as of December 1, 2009. (Ex. 1)

6. A Verification Form from Virginia Nall, an Eligible Class Member, signed on December 18, 2009 was received by Class Counsel on December 21, 2009. Although Ms. Nall's Verification Form was not submitted in a timely manner, Plaintiffs request that she be allowed to receive a share of the Settlement Amount. The Verification was late due to an unforeseen delay in

review of the Verification Form by her son, Marcus Nall, who assists Ms. Nall with her medical and financial matters. The short delay was inadvertent and did not prejudice the Class Members.

7. Pursuant to the Settlement Agreement, and if Ms. Nall is included as Eligible Class Member receiving a share of the Settlement Amount, the share amount for each Eligible Class Member and Eligible Dependent will be \$8,064.51. This number was determined by equally dividing the shares for 93 Eligible Class Members and Eligible Dependents into \$750,000.

8. Defendant Raytheon does not oppose this Motion.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order which provides as follows:

- (1) Ms. Nall be included as an Eligible Class Member and be allowed to receive a Share of the Settlement Amount;
- (2) the Eligible Class Members and Eligible Dependents and the Share Amount of \$8,064.51 as set forth in the attached Final Payments List be approved;
- (3) that Class Counsel shall mail a Payment for a share of the Settlement Amount to the last known address of the Eligible Class Members and Eligible Dependents within 30 days of the entry of the Order.

Respectfully submitted,

KLIMIST, McKNIGHT, SALE
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By: /s/ David R. Radtke
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Dated: December 29, 2009

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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